

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: PAUL HRYWNAK, JR.
PAUL HRYWNAK

Debtor(s) CHAPTER 13

JACK N. ZAHAROPOULOS
CHAPTER 13 TRUSTEE
Movant

vs.

PAUL HRYWNAK, JR.
PAUL HRYWNAK

CASE NO: 5-22-01083-MJC

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE

AND NOW, on December 22, 2022, Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, by and through his attorney Agatha R. McHale Esquire, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case with prejudice in accordance with Section 521, and 1307(c) of 11 U.S.C., due to failure to file a confirmable plan.

1. A Plan was filed on July 5, 2022.
2. A hearing was held and an order was entered on November 29, 2022 directing that an amended plan be filed within fourteen (14) days.
3. As of the date of this motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.
5. In addition to the petition filed in this case, debtor(s) filed petitions docketed to the following cases:

Case Number: 5-22-00211-MJC
Counsel: J ZAC CHRISTMAN ESQUIRE
Filing Date: 02/03/22 Date Dismissed: 04/25/22
Total Payments: \$0.00 Chapter: 13
Result: Dismissed for failure to file information

Case Number: 5-19-04435-RNO
Counsel: JOHN FISHER
Filing Date: 10/11/19 Date Dismissed: 09/03/20
Total Payments: \$0.00 Chapter: 13
Result: Dismissed for failure to make plan payments

Case Number: 5-18-00484-RNO
Counsel: TULLIO DeLUCA, ESQUIRE
Filing Date: 02/05/18 Date Dismissed: 01/22/19
Total Payments: \$981.00 Chapter: 13
Result: Dismissed for failure to make plan payments

Movant believes and avers that, under the totality of the circumstances, debtor(s) demonstrated substantial abuse and a lack of good faith in the filing of three (3) prior Chapter 13 petitions within a four (4) year period that this Court dismissed prior to completion and filed the current petition thereafter.

Notice of hearing is included with this Motion to Dismiss with Prejudice.

WHEREFORE, Movant requests this Honorable Court to:

1. Dismiss this case in accordance with 11 U.S.C. Sec. 1307(c) and,
2. Dismiss this case with prejudice with regard to debtor(s) filing a subsequent petition under the Bankruptcy Code in this district without prior leave of this Court for a period of 180 days from the entry of this dismissal.

Respectfully submitted,

/s/ Agatha R. McHale, Esquire

Id: 47613

Attorney for Trustee

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

Phone: (717) 566-6097

email: amchale@pamd13trustee.com

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MOTION TO DISMISS WITH
PREJUDICE

NOTICE

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss with Prejudice for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court Max Rosenn U.S. Courthouse 197 S. Main Street Wilkes Barre, PA	Date: February 2, 2023 Time: 10:00 AM
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Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Dated: December 22, 2022

/s/ Jack N. Zaharopoulos, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
email: info@pamd13trustee.com

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CHAPTER 13 TRUSTEE
Movant

MOTION TO DISMISS WITH PREJUDICE

CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on December 22, 2022, I served a copy of this Motion to Dismiss with Prejudice, Notice and Proposed Order on the following parties by 1st Class mail from Hummelstown, PA, unless served electronically.

J ZAC CHRISTMAN ESQUIRE
FISHER CHRISTMAN
556 MAIN STREET, SUITE 12
STROUDSBURG, PA 18360-

SERVED ELECTRONICALLY

United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101

SERVED ELECTRONICALLY

PAUL HRYWNAK, JR.
14 O'HARA ROAD
MOSCOW, PA 18444

SERVED BY 1ST CLASS MAIL

I certify under penalty of perjury that the foregoing is true and correct.

Dated: December 22, 2022

/s/ Vickie Williams
for Jack N. Zaharopoulos, Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
email: info@pamd13trustee.com

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Respondent(s)

ORDER DISMISSING CASE WITH PREJUDICE

Upon consideration of the Trustee's Motion to Dismiss with Prejudice, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED WITH PREJUDICE. Debtor is hereby BARRED from filing in this district for a period of 180 days from the date of this order without prior court order.